

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:07-CR-00016(5)-ADA
	§	
(5) JASEN GABRIEL CERVANTEZ	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On November 4, 2019 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (5) JASEN GABRIEL CERVANTEZ, which alleged that Cervantez violated a condition of his supervised release and recommended that Cervantez's supervised release be revoked (Clerk's Document No. 363). A warrant issued and Cervantez was arrested. On November 29, 2023, Cervantez appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Cervantez appeared before the magistrate judge on December 12, 2023, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on December 30, 2023, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on

the original offense and the intervening conduct of Cervantez, the magistrate judge recommends that this court revoke Cervantez supervised release and that Cervantez be sentenced to imprisonment for 120 Days, with no term supervised release to follow the term of imprisonment, with credit for time served since his arrest (Clerk's Document No. 386).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.


On December 12, 2023, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 384). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 386) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (5) JASEN GABRIEL CERVANTEZ's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (5) JASEN GABRIEL CERVANTEZ be imprisoned for 120 Days with, with credit for time served since his arrest, and with no term of supervised release.

Signed this 2nd day of January, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE